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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Hulst, et al.	Examiner:	Christopher R. Tate
Serial No.:	09/868,401	Group Art Unit:	1651
Confirmation No.:	9260	Docket:	294-101 PCT/US
Filed:	September 17, 2001	Dated:	May 10, 2002
For:	SEPARATING AND RECOVERING COMPONENTS FROM PLANTS		

Commissioner for Patents
Washington, DC 20231

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on May 10, 2002

Signature: Joyce Peterson

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants hereby respond to the Office Action mailed on April 10, 2002, which required restriction of the claims under 35 U.S.C. §§121 and 372. Applicants elect to prosecute the Group I claims (Claims 1-8 and 16-18) which are drawn to a method of separating components from vegetable material. Applicants also reserve the right to prosecute the Group II claim (Claim 9), Group III claims (Claims 12, 13, 22 and 23), Group IV claims (Claims 24-31), Group V claims (Claims 32-37) and Group VI claim (Claim 38), in divisional applications.

In addition to Applicants' election to prosecute Claims 1-18 and 16-18 as required under 37 C.F.R. §1.143, Applicants also traverse the finding in the Office Action that the special technical feature of the Group I method is taught by the prior art as evidenced by U.S. Patent No. 5,464,160 to McDonald et al. (hereinafter "McDonald").

The McDonald patent is directed to a dry fractionation process for treatment of xanthophyll-containing vegetative crops. The process yields a relatively high protein, essentially non-fibrous friable when dry particulate fraction primarily derived from non-vascular plant leaf or petal tissue and a separate tougher, particulate fibrous fraction derived principally from the leaf or petal vascular xylem and phloem network and from the plant stems as well. See col. 1, lines 7-18. The plant material must first be dried to a specific level. See col. 2, lines 1-21. The fractionation is accomplished by using a hammermill to impact the dried material to produce particulates and an air stream to separate the dry high protein particulates from the more moist high fiber particulates. See col. 2, lines 40-48.

In contrast, the presently claimed process includes at least partially fiberizing the plant material and subsequently separating the fiberized material into a fiber fraction and a juice stream. The fiberizing step releases the protein-rich cytosol material from the plant and allows for recovery of the cytosol material via the juice stream. The McDonald patent does not disclose or suggest a method for recovering such a juice stream. As such, it is respectfully submitted that the elected claims are not taught by the prior art as evidenced by the McDonald patent.

Respectfully submitted,

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